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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/809,510   | 03/26/2004  | Takayoshi Togino     | 12219/45            | 8590             |
| 23838  | 7590        | 08/07/2006           | EXAMINER            |                  |
| KENYON & KENYON LLP<br>1500 K STREET N.W.<br>SUITE 700<br>WASHINGTON, DC 20005 |             |                      | LAVARIAS, ARNEL C   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2872                |                  |

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/809,510

Applicant(s)

TOGINO, TAKAYOSHI

Examiner

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The replacement drawings were received on 6/13/06. These drawings are acceptable.

### ***Response to Amendment***

2. The amendments to the specification and abstract of the disclosure in the submission dated 6/13/06 are acknowledged and accepted. In view of these amendments, the objections to the specification in Section 9 of the Office Action dated 12/13/05 are respectfully withdrawn.
3. The amendments to Claim 1 in the submission dated 6/13/06 are acknowledged and accepted.
4. The cancellation of Claims 2 and 13 in the submission dated 6/13/06 is acknowledged and accepted.

### ***Response to Arguments***

5. The Applicant argues that, with respect to newly amended Claim 1, as well as Claims 2-9 which depend on Claim 1, Takahashi et al. fails to teach or reasonably suggest at least three display device among the display devices in the projection units displaying images of mutually different colors. After reviewing Takahashi et al., the Examiner agrees, and respectfully withdraws the rejections in Section 12 of the Office Action dated 12/13/05.

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6. It is additionally noted that Applicant failed to provide any evidentiary support to overcome the objections to the claim for priority under 35 U.S.C. 119(a)-(d), the objections to the oath/declaration, and the rejections of Claims 1-14 under 35 U.S.C. 102(f) (See Sections 2, 3, and 11 in the Office Action dated 12/13/05).
7. Claims 1, 3-12, 14 are now rejected as follows.

***Priority***

8. The Applicant's claim for priority under 35 U.S.C. 119(a)-(d) is objected to. The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed and additionally claims priority to prior application JP2003-091340 filed on 3/28/2003. However, prior application JP2003-091340 identifies Kokichi Kenno as the sole inventor, which is different than that of the instant application. MPEP 201.13 specifically states that to receive benefit of the filing date of a prior application filed in a foreign country, the foreign application must have been filed by the same applicant (inventor) as the applicant in the US, or by his or her legal representative or assigns.

***Oath/Declaration***

9. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

37 CFR 1.63-1.64 states that the oath or declaration must be made by all of the actual inventors, except as provided for in 1.42, 1.43, 1.47, or 1.67. The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed and

additionally claims priority to prior application JP2003-091340 filed on 3/28/2003. However, prior application JP2003-091340 identifies Kokichi Kenno as the sole inventor, which is different than that of the instant application. It is unclear who the actual inventor is for the instant application.

### ***Specification***

10. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to *a single paragraph on a separate sheet within the range of 50 to 150 words*. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

11. The abstract of the disclosure is objected to because of the following informalities:

At approximately 169 words, the Abstract is too long.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

12. Claims 3 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 3 and 8 are both dependent on Claim 2, which has been cancelled. Accordingly, these claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(f) he did not himself invent the subject matter sought to be patented.

14. Claims 1, 3-12, 14 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

The instant application declares Takayoshi Togino as the sole inventor of the subject matter being claimed, which include the features recited in Claims 1-14. Additionally, the instant application claims priority to prior foreign application JP2003-091340 filed on 3/28/2003 in Japan. This prior foreign application JP2003-091340 identifies Kokichi Kenno as the sole inventor, which is different than that of the instant application. Japanese published application JP 2004-301876A, published 10/28/2004 in Japan, identifies Kokichi Kenno as its sole inventor, and similarly claims priority to prior foreign application JP2003-091340. After reviewing the JP 2004-301876A publication, it appears that the drawings of the instant application are exactly the same as that of the JP 2004-301876A publication, the subject matter claimed in the instant application appear to be disclosed in the JP 2004-301876A publication, and the abstract of the instant application appears to be very similar to that of the English abstract of the JP 2004-301876A publication. In addition, the specification of the instant application appears to

be fully disclosed by the English-equivalent specification of the JP 2004-301876A publication. It is unclear who the correct inventor is of the claimed subject matter recited in the instant application. Additionally, it appears that claimed subject matter recited in the instant application may have been derived from the prior foreign application JP2003-091340 and the published JP 2004-301876A publication.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

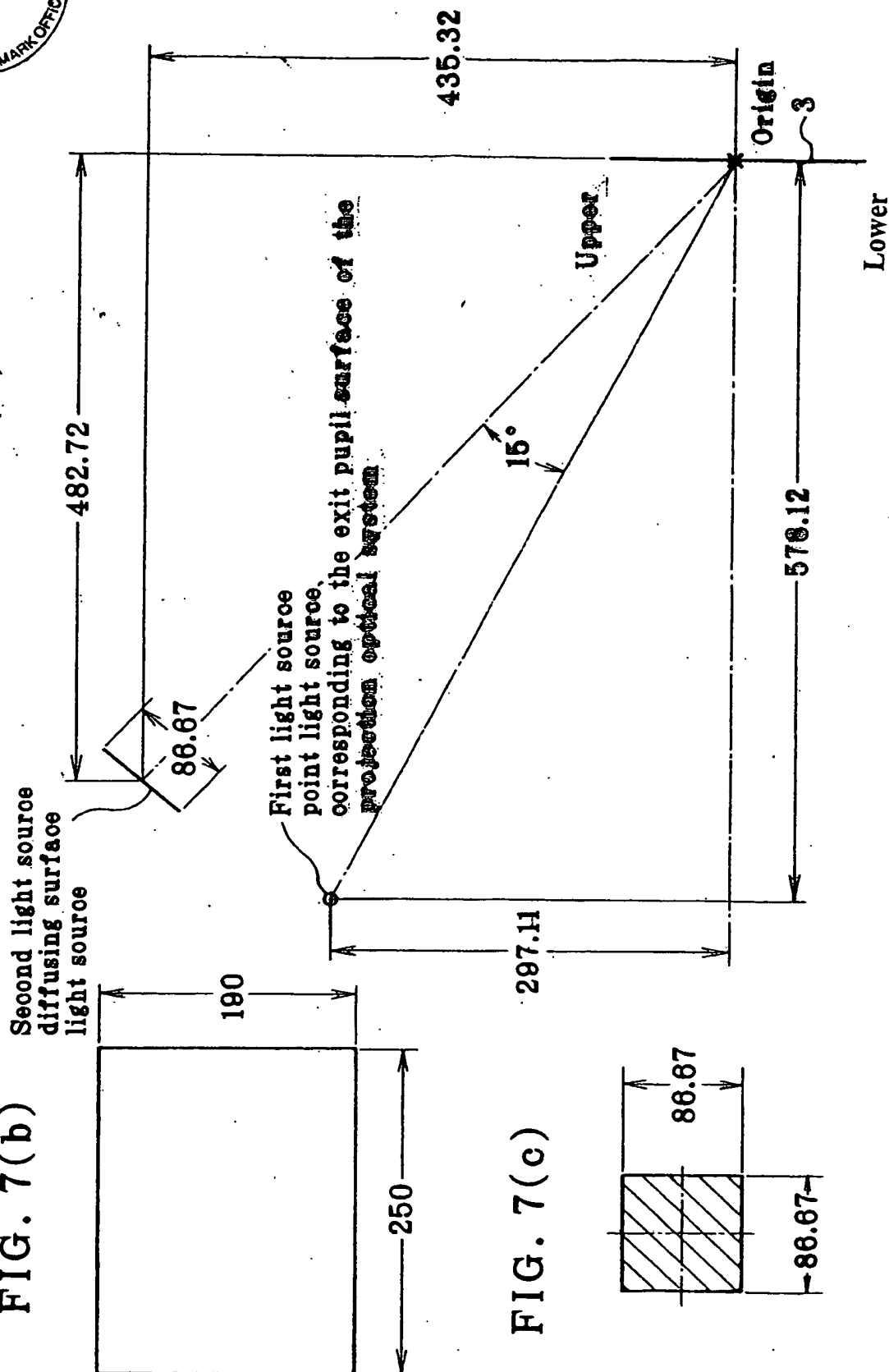
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



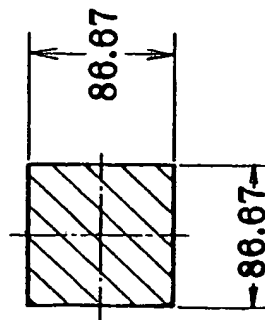
Arnel C. Lavarias  
Primary Examiner  
Group Art Unit 2872  
7/31/06



**FIG. 7(b)**



**FIG. 7(c)**



Drawing Changes  
Approved  
KCC  
7/28/06

FIG. 10(b)

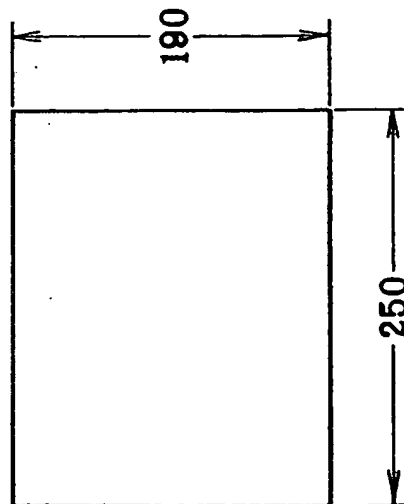


FIG. 10(a)

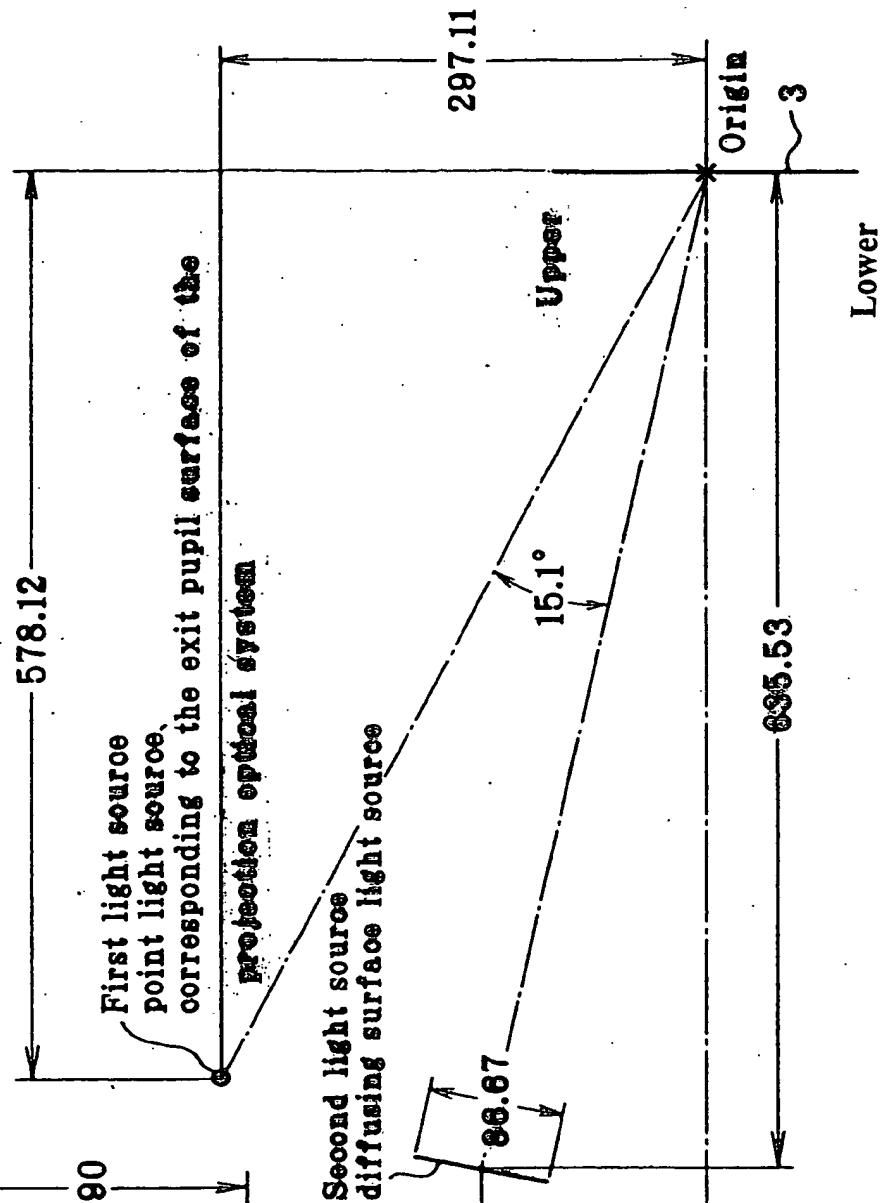
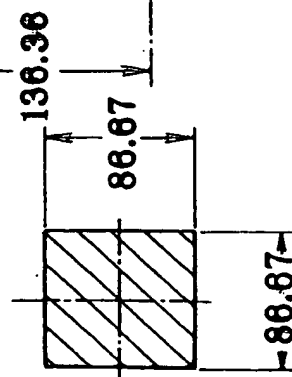


FIG. 10(c)



**FIG. 13(b)**

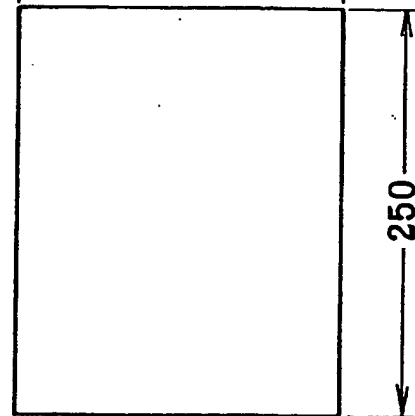
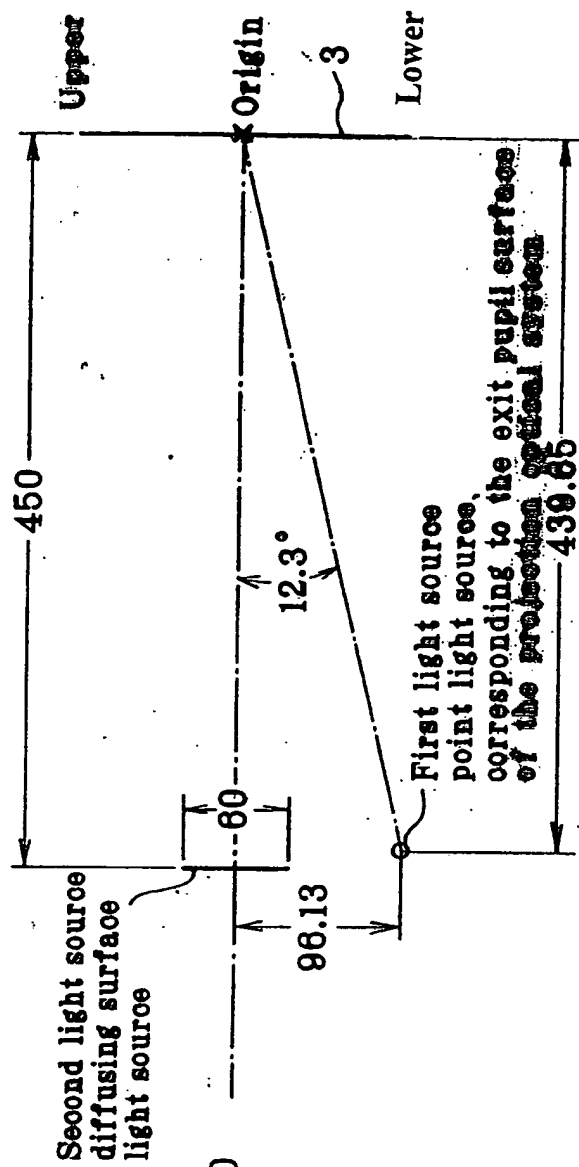
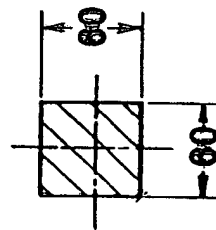


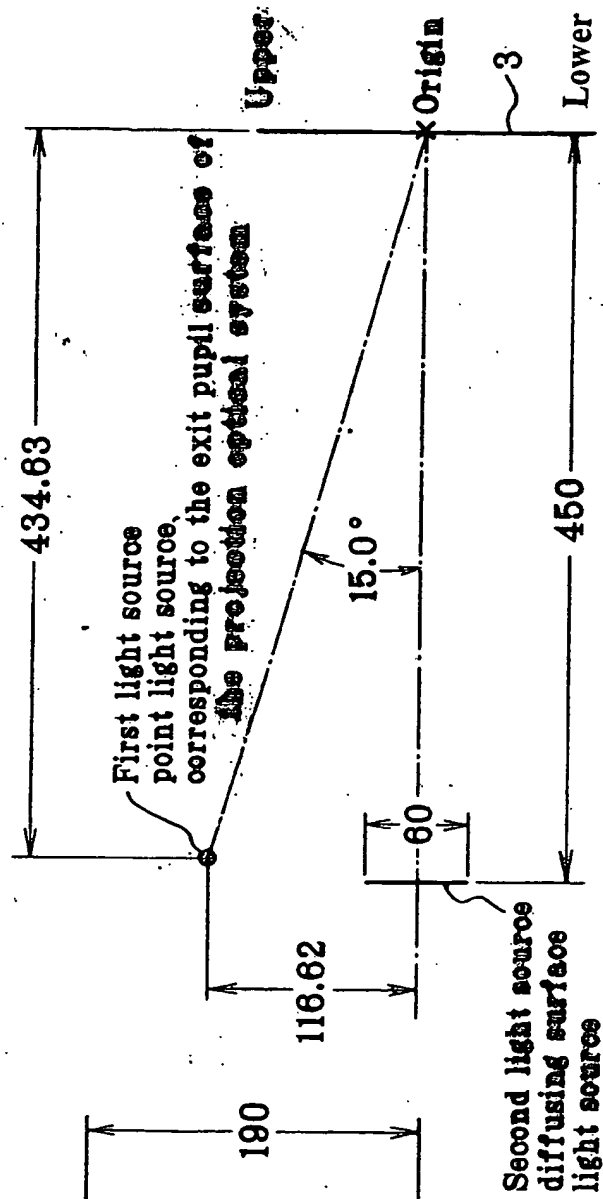
FIG. 13(a)



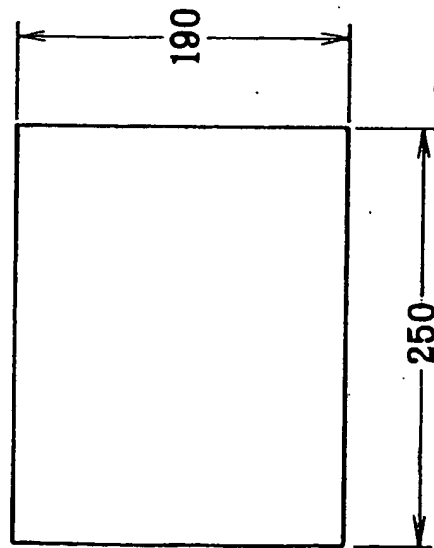
**FIG. 13(c)**



**FIG. 18(a)**



**FIG. 18(b)**



**FIG. 18(c)**

